**Opening Statement of Chairman Fred Upton**
**Health Subcommittee Hearing on "Examining the Implementation of the Tobacco Control Act"**
**April 8, 2014**

It has been almost five years since the Family Smoking Prevention and Tobacco Control Act was signed into law. We have a collective responsibility as the FDA's authorizing committee to ensure the agency is implementing this law—and all laws—in a fair, consistent and transparent manner. FDA's decisions should always be based on sound, scientific evidence with the health of our nation's citizens in mind.

The Government Accountability Office has done a thorough job overseeing the implementation efforts conducted by the Center for Tobacco Products (CTP) to date, and their work continues. I would like to thank Dr. Marcia Crosse (Marsha Cross) from the outset for her hard work on this front and for her responsiveness to committee staff.

GAO has raised a number of concerning issues about the efficiency and consistency of CTP's regulatory activities to date. For instance, they issued a report in September 2013, noting that the center had yet to set any performance measures or review timelines to ensure accountability and gauge progress.

I am a firm believer that transparency breeds accountability. Congressman Guthrie has introduced the "Transparency in Tobacco User Fees Act," H.R. 389, which is a commonsense piece of legislation that would require FDA to submit annual reports to Congress on how the user fees have been spent. FDA has such a

statutory requirement for user fee programs such as PDUFA, and the insight gained from such reports has led to improvements across the board.

I welcome the opportunity to examine these issues in greater detail with today's hearing. I yield the balance of my time to _____.